

**PERMIT FOR THE
STORAGE OF DANGEROUS WASTE**

Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600
Telephone: (360) 407-6700

ISSUED IN ACCORDANCE WITH the applicable provisions of the Hazardous Waste Management Act, Chapter 70.105 Revised Code of Washington (RCW), and the regulations promulgated thereunder in Chapter 173-303 Washington Administrative Code (WAC).

ISSUED TO: U.S. Bonneville Power Administration, Ross Complex
5411 NE Hwy 99
PO Box 491
Vancouver, Washington 98666-0491

WA1 891 406 349

THIS PERMIT IS EFFECTIVE as of March 15, 2001, and shall remain in effect until March 15, 2011 unless revoked and reissued, modified, or terminated under WAC 173-303-830(3) and (5) or continued in accordance with WAC 173-303-806(7).

ISSUED BY: WASHINGTON DEPARTMENT OF ECOLOGY

Greg Sorlie, Manager
Hazardous Waste & Toxics Reduction Program
Washington Department of Ecology

Date

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INTRODUCTION

Permittee: U.S. Bonneville Power Administration, Ross Complex

EPA/state identification number: WA1 891 406 349

Pursuant to:

Chapter 70.105 Revised Code of Washington (RCW), the Hazardous Waste Management Act of 1976, as amended, and regulations codified in Chapter 173-303 Washington Administrative Code (WAC)

a permit is issued to U.S. Bonneville Power Administration (hereinafter called the Permittee), to operate a dangerous waste storage facility located at 5411 NE Highway 99, Vancouver, Washington, 98663, latitude 45 degrees, 39 minutes, and 41 seconds and longitude 122 degrees, 39 minutes, and 29 seconds.

The Permittee must comply with:

All terms and conditions set forth in this permit and in Attachments AA through LL;

All applicable state regulations contained in Chapter 173-303 WAC (Attachment KK) and as specified in the permit; and

The applicable federal regulations, including 40 Code of Federal Regulations (CFR) Parts 260 through 266, Part 268, and Part 270 that have been incorporated by reference into Chapter 173-303 WAC, and as specified in the permit.

When the permit and the above attachments or regulations conflict, the wording of the permit shall prevail.

"Applicable state and federal regulations" are state regulations and statutes in effect on the date of permit issuance and those federal regulations incorporated by reference into these state regulations.

State and federal regulations and statutes may be changed. The Permittee may implement more stringent state or federal standards at any time, unless the changes require agency review and approval of construction design or facility procedures.

HSWA Provisions. New or amended "self-implementing" HSWA provisions automatically apply to the Permittee's dangerous waste management activities according to RCRA (as amended), under the U.S. Environmental Protection Agency's (Agency's) purview, unless the requirements are less stringent than applicable state and federal regulations. New, or amended, "self implementing" HSWA statutory provisions and related regulations are not enforced by the Department until adopted into state regulations.

State statute or regulations. Periodically, the state initiates changes to Chapter 70.105 Revised Code of Washington (RCW), the Hazardous Waste Management Act of 1976, or the implementing regulations. The Permittee may implement more stringent standards at any time, unless the changes require review and approval of construction design or facility procedures. For less stringent

provisions, the Permittee must request and receive approval for a permit modification before applying the less stringent requirements.

This permit is based upon the administrative record, as required by WAC 173-303-840. The Permittee's failure in the application or during the permit issuance process to fully disclose all relevant facts or the Permittee's misrepresentation of any relevant facts at any time are grounds for the termination or modification of this permit and/or initiation of an enforcement action, including criminal proceedings. The Permittee must inform the Director of the Department of Ecology (hereafter called the Director) of any deviations from permit conditions or changes from information provided in the Part B permit application. In particular, the Permittee must inform the Director of any proposed changes that might affect the ability of the Permittee to comply with applicable regulations and permit conditions or that alter any of the conditions of the permit in any way.

The Department of Ecology (hereafter called the Department) will enforce all conditions of this permit. Any challenge of a permit condition must be appealed to the Pollution Control Hearings Board in accordance with WAC 173-303-845.

The Agency will issue its own, separate permit. The Agency has the authority to enforce any condition in this permit that is based on federal regulations for which the State of Washington's dangerous waste management program is authorized. In the event that the Department does not maintain its authorization for the federal RCRA program, then the Agency becomes the regulatory authority for all permit conditions except those that are state-only requirements.

LIST OF ATTACHMENTS

The following listed documents are incorporated, in their entirety, by reference into this permit. Some of the documents are excerpts from the Permittee's Dangerous Waste permit application (submitted October 21, 1999, and amended April 5 and July 27, 2000). The Department has, as deemed necessary, modified specific language in the attachments. These modifications are described in the permit conditions (Parts I through VI), and thereby supersede the language of the attachment. The incorporated attachments are enforceable conditions of this permit, as modified by the specific permit conditions.

Attachment AA	Section B-1a and B-2 of the permit application, including Figures B-1 through B-4
Attachment BB	Section A of the permit application, the Part A Dangerous Waste Permit Forms
Attachment CC	Waste Analysis Plan (Section C-2 and Attachments C-3 and C-4 of the permit application)
Attachment DD	Container Management (Sections D-1 and D-8c and Attachments D-1 and D-2 of the permit application) and Air Emissions Control (Section D-8 of the permit application) for on-site recycling units
Attachment EE	Security Procedures and Equipment (Section F1 of the permit application) and Preparedness and Prevention (Sections F-3 through F-5 of the permit application)
Attachment FF	Inspection Plan (Section F2.0 and Attachments F-1 through F-3 of the permit application)
Attachment GG	Contingency Plan (Section G and Attachments G-1 through G-3 of the permit application)
Attachment HH	Personnel Training (Section H of the permit application)
Attachment II	Closure Plan (Sections I-1 and I-2 and Attachments I-1 and I-2 of the permit application)
Attachment JJ	Air Emissions Control for process vents and equipment leaks (Section D-8a and D-8b of permit application, and Attachment D-5 of the permit application)
Attachment KK	Chapter 173-303 WAC (June 2000)
Attachment LL	Explanation of Significant Differences, signed by the US Environmental Protection Agency, January 18, 2001, and by Bonneville Power Administration on December 7, 2000.

DEFINITIONS

All definitions contained in the following are hereby incorporated, in their entirety, by reference into this permit: Chapter 70.105 RCW; Chapter 173-303 WAC; Chapter 70.105D RCW; and Chapter 173-340 WAC, as undertaken in whole or in part to fulfill the role of WAC 173-303-646. If any definitions in the listed rules and laws differ from the definitions in this permit, the permit's definitions prevail.

Where terms are not defined in the regulations or the permit, the meaning associated with such terms are defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

Some terms are specifically defined in Part VI, Corrective Action, for the purposes of that part of this permit.

For purposes of this permit, except where a specific definition applies under Part VI, Corrective Action, the following definitions apply:

"Agency" means the U.S. Environmental Protection Agency, Region 10.

"Agencies" means the U.S. Environmental Protection Agency, Region 10, and the Washington State Department of Ecology.

"Contained-out determination" means the evaluation by the Department to determine whether soil or concrete contaminated by listed wastes, see WAC 173-303-080, must be managed as dangerous waste or not. Soils and concrete contaminated with listed dangerous wastes must be managed as dangerous wastes until it no longer contains the dangerous waste or is de-listed. Contaminated media may be determined to no longer contain dangerous waste when the dangerous constituents in the media fall below site-specific, risk-based levels and the media does not exhibit a characteristic.

"Dangerous waste management unit" means that part of the Permittee's HazMat building used to manage dangerous waste, and includes, but is not limited to, Rooms 100, 102, 103 and 104, and the load/unload area. The location and description of the HazMat building is set forth in Attachments AA and DD of this permit.

"Days" means calendar days unless otherwise defined for a condition or section of this permit.

"Department" means the Washington State Department of Ecology (with the address as specified on page one of this permit).

"Director" means the Director of the Washington State Department of Ecology or a designated representative.

"Facility" means that property commonly called the "Ross Complex" and identified in the physical description of the area (including land, structures, appurtenances, and improvements) used to manage dangerous waste and to conduct Permittee's operations related to their primary duty as control center for the generation and transmission of electricity throughout the Pacific Northwest. This property description is as set forth in Attachment AA of this permit and includes about 250 contiguous acres.

"Permit" means the permit issued by the Washington State Department of Ecology pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC.

"Permitted units" means the dangerous waste management unit and the recycling units described in IV.A.

"Small Quantity Generator" means generators described in WAC 173-303-070(8) and subject to the requirements of that subsection.

PART I - STANDARD CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1. The Permittee is authorized to store dangerous waste in accordance with the conditions of this permit and the applicable provisions of Chapter 173-303 WAC. Any storage of dangerous waste by the Permittee at this facility is prohibited if it is not authorized by this permit or by the Department under WAC 173-303-830(4)(e) (temporary authorizations) and a permit is required for such storage under WAC 173-303-800.
- I.A.2. Subject to WAC 173-303-810(8), compliance with this permit constitutes compliance, for the purposes of enforcement, with Chapter 173-303 WAC. Issuance of this permit does not convey any property rights of any sort or any exclusive privilege. Issuance of this permit does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations.

I.B. GENERAL PERMIT CONDITIONS

- I.B.1. The general permit conditions under WAC 173-303-810 and the final facility standards under WAC 173-303-600 through 692 are incorporated by reference into this permit, and the Permittee must adhere to them.
- I.B.2. The Attachments listed on page 5 are incorporated by reference into this permit. Permittee must comply with the contents of this permit and the Attachments.
- I.B.3. Equivalent materials/information. If certain equipment, materials, and administrative information (such as names, phone numbers, addresses) are specified in this Permit, the Permittee is allowed to use an equivalent or superior item. Use of such equivalent or superior items shall not be considered a modification of the permit. However, the Permittee must place the revision in the operating record (prior its institution), accompanied by a narrative explanation and the date the revision became effective, except that Permittee must send copies of changes to the names and phone numbers in the Contingency Plan, Attachment GG to the Department and to emergency response agencies. The Department may judge the soundness of revisions during inspections of the facility and take appropriate action. The format of tables, forms, and the orientation of furniture on figures are not subject to the requirements of this Permit, and may be revised at the Permittee's discretion.

I.C. PERMIT ACTIONS

- I.C.1. This permit may be modified, revoked and reissued, or terminated for cause as specified in WAC 173-303-830(3), (4), and (5). The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any permit condition.

- I.C.2. This permit may be renewed as specified in WAC 173-303-810(3) and permit condition I.E.2. Director review of any application for a permit renewal will consider improvements in the state of control and measurement technology, as well as changes in applicable regulations.
- I.C.3. Permit modification at the request of the Permittee must comply with procedures and other requirements of the three-tiered modification system specified in WAC 173-303-830(4).
- I.C.4. Within 45 days of the effective date of, or the Department's approval of, a permit modification under permit condition I.C.3, whichever is sooner, the Permittee must retype the relevant portions of the permit and Permit Attachments to incorporate the change and indicate the date of the change, reprint the documents, and submit them to the Director.

I.D. SEVERABILITY

- I.D.1. The provisions of this permit are severable. The holding invalid of any provision of this permit, or the application of any provision of this permit to any circumstance, shall not affect the application of such provision to other circumstances and the remainder of this permit. Invalidation of any state or federal statutory or regulatory provision that forms the basis for any condition of this permit does not affect the validity of any other state or federal statutory or regulatory basis for said condition.
- I.D.2. If a condition of this permit is stayed for any reason, for that condition the Permittee must continue to comply with the related applicable and relevant interim status standards in WAC 173-303-400 and, as incorporated into WAC 173-303-400, 40 CFR Part 265 until final resolution of the stayed condition. The only exception is if the Director determines compliance with such interim status standards are technologically incompatible with compliance with the conditions of this permit that have not been stayed.

I.E. DUTIES AND REQUIREMENTS

- I.E.1. The Permittee must comply with all conditions of this permit except to the extent, and for the duration, an Emergency Permit under WAC 173-303-804 authorizes such noncompliance. Other than noncompliance authorized by an Emergency Permit, any permit noncompliance constitutes a violation of Chapter 173-303 WAC and/or RCRA and is grounds for: a) enforcement action; b) termination of permit; c) revocation and reissuance of permit; d) modification of permit; or e) denial of a permit renewal application.
- I.E.2. To continue an activity allowed by this permit after the permit's expiration date, the Permittee must submit to the Department a complete permit application at least 180 days before this permit's expiration date. Permit application requirements are in WAC 173-303-806 and, for those portions of a permit application required under HSWA and its implementing regulations that have not been adopted by the State, in 40 CFR Part 270 Subpart B.

- I.E.3. If the Department takes enforcement action because of Permittee's noncompliance with this permit, the necessity to halt or reduce the permitted activity to maintain compliance with the conditions of this permit shall not be a defense for the Permittee.
- I.E.4. In the event of noncompliance with this permit, the Permittee must take all reasonable steps to minimize releases to the environment and must carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. That the Permittee took such mitigation is not a defense to enforcement for noncompliance with the permit.
- I.E.5. The Permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit.
- I.E.6. The Permittee must furnish to the Director, within a reasonable time, any relevant information which the Director requests to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or for determining compliance with this permit. The Permittee must also furnish to the Director, upon request, copies of records required to be kept by this permit.
- I.E.7. Pursuant to WAC 173-303-810(10), the Permittee must allow the Director or authorized representatives of Director upon the presentation of credentials to:
- a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted or where Permittee must keep records under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that Permittee must keep under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by Chapter 173-303 WAC, including sections of 40 CFR Part 264 that are incorporated by reference into Chapter 173-303 WAC, any substances or parameters at any location.
- I.E.8. Reporting changes in facility, operations, ownership, anticipated or other noncompliance, other information:
- a. The Permittee must give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements or conditions.

- b. The Permittee must give notice as soon as possible of any planned physical alterations or additions to the permitted units (structural). Such physical alterations or additions require a permit modification.
- c. Whenever the Permittee becomes aware that it failed to submit relevant facts in the permit application or submitted incorrect information in a permit application or in any report to the Director, the Permittee must promptly submit such facts or information to the Director.
- d. Monitoring results (including monitoring of the facility's impacts as required by the applicable sections of Chapter 173-303 WAC) must be reported at the intervals specified elsewhere in this permit.
- e. Reports of permit compliance or noncompliance or any progress reports on interim and final permit requirements contained in any compliance schedule must be submitted no later than fourteen days following each scheduled date.
- f. The Permittee must immediately report any noncompliance which may endanger health or the environment. Information must be provided orally to the Department as soon as the Permittee becomes aware of the circumstances. A written submission must also be provided within five days of the time the Permittee becomes aware of the circumstances provided that the Department may waive the written submission requirement in favor of a written report, to be submitted within fifteen days. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
Information which must be reported immediately must include the information listed in WAC 173-303-810(14)(f)(i) through (iii).
- g. The Permittee must report all instances of noncompliance not reported under "immediate reporting", monitoring reports, and compliance schedules, at the time monitoring reports are submitted. The reports must contain the information listed in WAC 173-303-810(14)(f)(i) through (iii).
- h. In addition, the following reports are required when appropriate:
 - (i) Manifest discrepancy report as required by WAC 173303-370(4);
 - (ii) Unmanifested waste report as required by WAC 173303-390(1); and
 - (iii) Annual report as required by WAC 173-303-390(2).
- i. Information repository. The Administrator may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in WAC 173-303-281 (5)(b). The information repository will be governed by the provisions in WAC 173-303-281 (5)(c)through (f).

I.F. MONITORING AND RECORDS

- I.F.1. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity. The method used to obtain a

representative sample of the waste to be analyzed must be the appropriate method from WAC 173-303-110 or Appendix I of 40 CFR Part 261 or an equivalent method approved by the Director. Laboratory methods must be those specified in WAC 173-303-110(3)(a) and Appendices II and III to 40 CFR Part 261 or an equivalent method as specified in Attachment CC or, in the case of the Closure Plan, Attachment II.

I.F.2. Pursuant to WAC 173-303-810(11), records of monitoring information must specify:

- a. The dates, exact place, and times of sampling or measurements;
- b. The individuals who performed the sampling or measurements;
- c. The dates analyses were performed;
- d. The individuals who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

I.G. COMPLIANCE NOT CONSTITUTING DEFENSE

Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under any other state or federal laws governing protection of public health or the environment. However, compliance with the terms of this permit does constitute a defense to any action alleging failure to comply with the applicable standards upon which this permit is based.

I.H. TRANSFER OF PERMITS

- I.H.1. In accordance with reporting requirements in WAC 173-303-810(14)(c), the Permittee must provide notice to the Director before transferring ownership interest or operational control of this permit to any person. The Director may require modification of the permit or revocation and reissuance of the permit. The Director may incorporate other requirements as may be necessary in accordance with procedures in WAC 173-303-830.
- I.H.2. Before transferring ownership or operation of the facility during its operating life, the Permittee must notify the new owner or operator in writing of the requirements of Chapter 173-303 WAC and this permit. Such notification is also required if Permittee transfers ownership or operation of parts of the facility, such as the dangerous waste management unit, that are covered under this permit. In both situations, if the new owner or operator is a private person, corporation or other entity, the Permittee is financially responsible for closure and for bodily injury and property damages to third parties caused by sudden accidental occurrences arising from the dangerous waste storage operations until the new owner or operator has demonstrated that he or she is complying with the financial requirements of WAC 173-303-620.

I.I. PERMIT CONTINUATION

This permit and all its conditions will remain in effect beyond the permit's expiration date until the Department has made a final permit determination (issuing or denying a new permit) if the Permittee has submitted a timely, complete application in compliance with Permit Condition I.E.2,

and, through no fault of the Permittee, the Director has not made a final permit determination as set forth in WAC 173-303-840. If the Permittee fails to submit a timely, complete application as required under Permit Condition I.E.2, then those permit conditions necessary to protect human health and the environment will remain in effect beyond the permit's expiration date until the Department terminates the conditions.

I.J. REPORTS, NOTIFICATIONS AND SUBMITTALS

- I.J.1. Permittee must sign all applications, reports, or information submitted to the Director in accordance with WAC 173-303-810 (12) and must certify them according to WAC 173-303-810 (13).
- I.J.2. Except as otherwise specified in this permit, all reports, notifications or other submissions that are required by this permit, including Permit Attachments, to be submitted to the Director must be sent by certified mail to:

Supervisor, Hazardous Waste and Toxics Reduction Section
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775
Telephone (360) 407-6300

Or hand-delivered to the Director at:

Supervisor, Hazardous Waste and Toxics Reduction Section
Department of Ecology
Southwest Regional Office
300 Desmond Drive
Lacey, WA 98503
Telephone (360) 407-6300

These phone numbers and addresses may change; such a change is not a permit modification under Chapter 173-303 WAC.

I.K. CONFIDENTIAL INFORMATION

Any information submitted by the Permittee to the Director may be claimed as confidential by the Permittee in accordance with applicable provisions of WAC 173-303-810(15), Chapter 42.17 RCW, and RCW 43.21A.160.

PART II - GENERAL FACILITY CONDITIONS

II.A. GENERAL WASTE MANAGEMENT

- II.A.1. The Permittee is authorized to accept from off-site generators the wastes specified in Attachment BB (Part A Permit Forms) as long as the generator is owned or operated by the BPA and has a valid State/EPA identification number or is a small quantity generator, as defined by WAC 173-303-070(8).
- II.A.2. All dangerous wastes received from off-site and wastes generated on-site and held for over ninety (90) days must be managed only in areas authorized for dangerous waste management under the conditions of this permit. That is, the following areas of the HazMat building: rooms 100, 102, 103 and 104 and the load/unload area.
- II.A.3. The Permittee must comply with requirements for waste analysis specified in Attachment CC for all dangerous waste accepted into the dangerous waste management unit.
- II.A.4. When laboratory analytical methods are required to designate the waste, the Permittee must ensure that the test procedures listed as acceptable by WAC 173-303-110 and Appendices II and III to 40 CFR Part 261, or approved equivalent methods, are used.
- II.A.5. The Permittee is responsible for obtaining accurate and complete information for each waste stream. Inaccurate or incomplete waste analysis information provided by the generating site is not a defense for noncompliance by the Permittee with the waste management requirements and conditions in this permit, Chapter 173-303 WAC, and the land disposal restrictions in 40 CFR Part 268, as incorporated by reference in Chapter 173-303 WAC.
- II.A.6. The Permittee must have an accurate and complete chemical waste profile certified and dated by the BPA Ross analytical laboratory for every waste stream accepted at the dangerous waste management unit as described in Permit Attachment CC. Except that Permittee may hold unknown or unidentified wastes, for up to 30 days, while completing a chemical waste profile as in Permit Condition II.A.7.
- II.A.7. When the Permittee receives an unknown, or unidentified, waste stream, the Permittee must manage the waste in Bay 102C according to the procedures in Permit Attachment DD until a chemical waste profile is completed or waste analysis shows the waste can be identified as an existing BPA "Identified Waste Stream". Within 30 days, the Permittee must complete the waste profile or determine that the waste can be identified as an existing BPA "Identified Waste Stream".
- II.A.8. At a minimum, waste verification shall include the sampling and analysis specified in Attachment CC.

II.A.9. SMALL QUANTITY GENERATOR WASTE

- a. Pursuant to WAC 173-303-070(8)(b), the Permittee must manage dangerous waste from small quantity generators (SQG) as fully regulated dangerous wastes according to requirements in this permit and its Attachments.
- b. Small quantity generators' dangerous waste mixed with fully regulated dangerous waste in any waste management process must be managed as fully regulated dangerous wastes pursuant to requirements in this permit.

II.B. PREPAREDNESS AND PREVENTION

- II.B.1. In accordance with WAC 173-303-340, the facility must be maintained and operated to minimize the possibility of:
 - a. A fire or explosion at or affecting the facility; or
 - b. Any unplanned sudden or non-sudden release of dangerous waste or dangerous waste constituent from the facility to air, soil, or surface or ground water.
- II.B.2. At all times, the Permittee must have qualified persons designated as the emergency coordinator and alternate emergency coordinators. These persons shall be identified in the Contingency Plan by name, position at the facility, address, and phone numbers (work and home; cell and/or pager). The first person on the list shall be the primary emergency coordinator. All other emergency coordinators must be listed in the order in which they will assume responsibility as alternates.
- II.B.3. The Permittee must immediately carry out the provisions of the Contingency Plan, Attachment GG, whenever there is a fire or an explosion at or affecting the permitted units, or a release of dangerous waste or constituents from the permitted units to air, soil, or surface or ground water.
- II.B.4. The Permittee must maintain at the facility the equipment set forth in the Contingency Plan, Permit Attachment II, at a minimum.
- II.B.5. The Permittee must follow the inspection schedule set out in Attachment FF. The Permittee must remedy any deterioration or malfunction discovered by an inspection, as set forth in Attachment FF.

II.C. RECORDKEEPING AND REPORTING

- II.C.1. In addition to the recordkeeping and reporting requirements specified elsewhere in this permit, the Permittee must comply with all the applicable notification, certification, and recordkeeping requirements described in WAC 173-303-380(1)(j), (k), (n), and (o).
- II.C.2. The Permittee must submit to the Director by March 1st each year, an annual report meeting the requirements in WAC 173-303-390(2).
- II.C.3. The Permittee must maintain a written operating record at the facility consisting of records kept for the length of time specified below. The record can be a compilation of various documents. Also the Permittee must record all information

referenced in this permit in the operating record within 48 hours of the information becoming available. The operating record shall include, but is not limited to, the information listed below:

- a. The following records must be maintained until final closure of the dangerous waste management unit (and ancillary activities) and corrective action are complete and certified:
 - 1) An up-to-date map showing the locations dangerous waste is stored at the facility (that is, the locations where dangerous waste is stored when it is accepted from off-site locations or when it comes from on-site locations and no longer meets the standards for on-site accumulation without a permit);
 - 2) A map showing locations where dangerous waste was stored in the past;
 - 3) Assessment reports pursuant to permit condition V.B.4 and WAC 173-303-360(2)(k) of all incidents that require implementation of the Contingency Plan;
 - 4) Records of spills and releases;
 - 5) Written reports and records of verbal notification to the Director to address releases, fires, and explosions under WAC 173-303-360 (2) (k);
 - 6) Summaries of all records of corrective action;
 - 7) Records and results of waste analyses required by Attachment CC and WAC 173-303-380(1)(c) that include at a minimum:
 - (a) The date(s), exact place, and times of sampling or measurements;
 - (b) The name(s) of the individual(s) who performed the sampling or measurements;
 - (c) The date(s) analyses were performed demonstrating that EPA SW-846 holding times were satisfied;
 - (d) The name of the individual(s) who performed the analyses;
 - (e) The analytical techniques or methods used;
 - (f) The analytical results; and
 - (g) The QA/QC summary.

Records and results of waste analysis may be kept in an electronic format at the facility, in lieu of a written format. However, a written chemical waste profile certified and dated by the BPA Ross laboratory for each waste stream must be maintained at the facility. If records are kept on a computer server located at another

location, then Permittee must have hard copies and/or electronic backups of the computerized records at the facility.

- 8) Training records of current facility personnel who have duties related to management of dangerous waste at the permitted units;
 - 9) Monitoring, testing, or analytical data and corrective action required by WAC 173-303-630 through 692 and by 40 CFR §§ 264.1035 and 264.1064 as incorporated by reference in Chapter 173-303-690 through 692;
 - 10) Up-to-date records identifying, either by waste or location (area or group), the equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year;
 - 11) A description of and the quantity of each dangerous waste received or managed on-site and the method and date(s) of its storage at the dangerous waste management unit as required by WAC 173-303-380(2); and
 - 12) The notice and certification required of a generator under WAC 173-303-140 (Land Disposal Restrictions).
- b. The following records must be maintained for a minimum of five (5) years. Pursuant to WAC 173-303-380(3)(b) this time period is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Director.
- 1) Operation and maintenance records and reports prepared pursuant to this permit;
 - 2) Progress reports and any required notifications prepared pursuant to this permit and not covered by another reporting requirement;
 - 3) Records of all inspection and monitoring information meeting requirements of WAC 173-303-320(2)(d) and this permit, including inspections in Attachment FF, including, at a minimum, the following calibration and maintenance records:
 - (a) The date and time of data recording;
 - (b) The name of the person taking and recording the information; and
 - (c) The recorded information itself whether consisting of observation, data measurement, instrument reading or any other monitoring method.
 - 4) Records of all inspections meeting the requirements in WAC 173-303-395(1)(d);
 - 5) Records documenting that equipment subject to WAC 173-303-691 (which incorporates by reference the requirements in 40 CFR Part 264 Subpart BB) is used for less than 300 hours a year;

- 6) Annual reports submitted in compliance with WAC 173-303-220(1). However, if the reports are necessary to supplement the operating record for the permitted units, they must be retained until final closure is complete and certified.; and
 - 7) Permittee's manifest, as generator, signed by receiving hazardous waste management facility under WAC 173-303-210(1).
- c. The following records must be maintained for a minimum of three (3) years. Pursuant to WAC 173-303-380(3)(b) this time period is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Director:
- 1) Annual reports submitted in compliance with WAC 173-303-390(2). However, if the reports are necessary to supplement the operating record for the permitted units, they must be retained until final closure is complete and certified;
 - 2) The Permittee's signed copy of manifests under WAC 173-303-370 and any required unmanifested shipment reports under WAC 173-303-390(1) or exception reports; and
 - 3) Training records of former facility personnel;
 - 4) Records and data used to complete the application for this permit;
 - 5) For the filter on the aerosol can puncturing device, the records under 40 CFR § 264.1089(e)(1)(vi) (reports of malfunction), as incorporated by reference under Chapter 173-303-692, for those unexpected control device system malfunctions that would require the control device not to meet the requirements of § 264.1087 (c)(1)(i), (ii) or (iii), as incorporated by reference under Chapter 173-303-692; and
 - 6) Reports required to be submitted to the Department under WAC 173-303-646 and 690 through 692, and not listed elsewhere.
- d. Up-to-date copies of the following documents as amended, revised, and modified shall be maintained at the facility until final closure is complete and certified:
- 1) The permit and all attachments, including, but not limited to, the Contingency Plan, the Inspection Plan, the Waste Analysis Plan, and the Closure Plan;
 - 2) All approved permit modifications;
 - 3) The Part B permit application;
 - 4) Training Plan;
 - 5) Documentation of arrangements made with local authorities pursuant to WAC 173-303-340(4);
 - 6) All closure cost estimates prepared pursuant to this permit;

- 7) Documentation of compliance with the process vents standards in 40 CFR § 264.1032 as required by § 264.1035(b)(2) for the on-site recycling units, both incorporated by reference under WAC 173-303-690;
- 8) Design information on the filter for the aerosol can puncturing unit until the air emissions control equipment is replaced or otherwise no longer in-service under 40 CFR § 264.1089(a) as incorporated by reference under WAC 173-303-692, air emissions requirements for containers;
- 9) Information required by 40 CFR § 264.1064(g)(6) as incorporated by reference under WAC 173-303-691 for compliance with the organic air emissions standards for equipment leaks; and
- 10) Other environmental permits.

II.C.4. The Permittee must submit waste analysis or monitoring data as soon as feasible and no later than sixty (60) days after receipt of a written request by the Director. If by the end of the sixty- (60) day period the requested data have not undergone Quality Assurance/ Quality Control (QA/QC), the Permittee must submit the requested data in raw form if the Director requests it. The Permittee must identify all submitted data that has not undergone QA/QC.

II.D. CLOSURE

- II.D.1. The Permittee's updated sampling and analysis plan (Attachment I-1 of Attachment II), due 60 days in advance of the beginning of final closure, must include information described for it in Permit Attachment II and :
- a. The results of the visual inspection of the walls and floors to identify the locations of existing or repaired significant cracks or other openings, stains, and areas where documented spills have occurred; and
 - b. A list of the "listed wastes" received and stored historically in the areas described in Permit Condition III.A.
- II.D.2. At least 45 days before initiating closure, the Permittee must provide a Notification of Closure pursuant to requirements in WAC 173-303-610(3)(c). Permittee may combine this requirement with the requirement in Permit Condition II.D.1.
- II.D.3. After the Notification of Closure pursuant to WAC 173-303-610(3)(c), the Permittee must provide the Director with reasonably available results of previous analyses of soil samples, if any have been taken, from under or adjacent to the permitted units if such results are requested by the Director.
- II.D.4. The Permittee must conduct closure according to Permit Attachment II as modified by permit conditions II.D.5 through II.D.11.
- II.D.5. Sampling and analysis at the time of closure must be conducted in accordance with the Closure Plan in Permit Attachment II and the updated Sampling and Analysis Plan submitted and approved under permit condition II.D.1., except that

for random samples, the sample of concrete within each cell of the imaginary sampling grid must be collected from the location within the cell on which the thrown coin lands. If the coin lands outside the selected cell, the coin will be thrown again.

- II.D.6. The Director may require additional investigation after the Permittee implements the approved sampling and analysis plan if the Director determines that the sampling and analyses have not adequately demonstrated whether clean closure has been achieved. Such a requirement shall constitute an agency action subject to appeal under Chapter 43.21B RCW. Additional sampling and analysis may be required for the following reasons:
- a. Specialized sample collection or analytical techniques are required to ensure adequate quantitation limits for chemical constituents of concern; or
 - b. Results indicate the need to analyze for additional constituents at certain locations ; or
 - c. Results indicate additional soil or groundwater sampling is required at certain locations ; or
 - d. Other reasons indicate the sampling and analysis plan has not adequately demonstrated whether clean closure has been achieved.
- II.D.7. The standards for clean closure of soils, groundwater, and concrete are numeric cleanup levels calculated using residential exposure assumptions according to the Model Toxics Control Act (MTCA) regulations (Chapter 173-340 WAC).
- a. Clean closure means removal or remediation of all dangerous wastes or dangerous waste constituents or residues to or below these numeric cleanup levels.
 - b. In the event contamination of concrete or soils is from listed wastes as identified in WAC 173-303-080, clean closure may be achieved only by submitting a request for a “contained-out” determination to the Director upon receipt of the results of the analysis of chip samples of the concrete. The Permittee must obtain Department approval of the “contained-out” determination before the Permittee can submit closure certification. To be approved, the request must show that the soil or concrete meets MTCA residential Method B or Method A standards and does not exhibit a dangerous waste characteristic under WAC 173-303-090.
- II.D.8. If the value from a concrete or soil sample analysis is above the clean closure level for any constituent, then the area represented by the sample will be considered to be above the standard for clean closure.
- a. If the value from a concrete sample analysis is above the clean closure level, then Permittee must either:
 - 1) Remove at least the top 0.6 centimeter of concrete from the area represented by the sample (see 40 CFR § 268.45 Table 1, Item A.1, for concrete), until a clean debris surface is reached, as

defined in 40 CFR § 268.45, Table 1, footnote 3, which is incorporated by reference into WAC 173-303-140; or

- 2) Propose alternate procedures to the Director for review, providing documentation demonstrating that the procedures will ensure removal of concrete contaminated above cleanup levels. The Director will approve the proposal, require changes to the proposal, or require compliance with II.D.8.a.1).
- b. Actions the Permittee may take to ensure clean closure of soils include, but are not limited to, the following:
 - 1) Removing or remediating soil that has contamination above the clean closure standards for soils, followed by confirmation of sampling to ensure clean closure standards are met;
 - 2) Re-analyzing soils of the entire area represented by the sample that has contamination above the cleanup levels, taking a sufficient number of samples and using approved statistical methods allowed under the Model Toxics Control Act; and/or
 - 3) Initiating corrective action.

II.D.9. In addition to the activities specified in Permit Attachment II, the activities of an independent registered professional engineer to assure that closure is conducted in accordance with the approved plan and requirements of this permit must specifically include, but are not limited to, field observation and record review of the following:

- a. Sampling procedures;
- b. Locations of soil and concrete sampling to ensure locations were as specified in the sampling and analysis plan;
- c. Sample labeling and handling, including chain of custody procedures; and
- d. Procedures to decontaminate concrete to meet the MTCA cleanup standards or achieve a "clean debris surface" as specified in 40 CFR § 268.45 Table 1 concrete surfaces, as incorporated by reference in WAC 173-303-140.

II.D.10. Documentation supporting the independent registered professional engineer's certification of closure must be submitted to the Director with the closure certification required by WAC 173-303-610(6). In addition to the items in Attachment II, the documentation must include:

- a. Lab and field data; and
- b. A report that summarizes closure activities.

II.D.11. The Director may require modification of the Closure Plan if the facility begins receiving and storing different dangerous wastes that require different management practices or changes to the Part A Permit Forms or if additional significant releases occur at or from the permitted units before the time of closure.

II.D.12. The Permittee must adjust the closure cost estimate for inflation five (5) years after the effective date of this permit and place the revised cost estimate in the operating record.

II.D.13. The Permittee must revise the closure cost estimate whenever there is a change in the Closure Plan, Permit Attachment II.

II.E. CONTROL AND CLEAN UP OF RELEASED MATERIAL

II.E.1. The Permittee must comply with the requirements of WAC 173-303-145 including, but not limited to, notification, mitigation, and control measures specified in WAC 173-303-145(2) and (3) under the following circumstances:

- a. A spill or nonpermitted discharge of dangerous waste or hazardous substance occurs onto the ground, into the ground water, or into the surface water;
- b. A spill or nonpermitted discharge of dangerous waste or hazardous substance results in emission into the air such that human health or the environment is threatened; or
- c. Other spills or discharges occur which threaten human health or the environment.

II.E.2. Consistent with good management for abatement of the initiating cause and with prudent consideration of health and safety risks to personnel, the Permittee must remove spilled or leaked waste within secondary containment immediately upon discovery. For the purpose of this permit condition, "immediately upon discovery" is considered to occur when clean-up actions begin upon the discovery of the spill or leak and proceed continuously until completion.

- a. Each discharge of dangerous waste to the secondary containment system that does not prompt implementation of the Contingency Plan, Attachment GG, shall be entered into the operating record if not removed from the secondary containment system immediately.
- b. Each discharge of dangerous waste to the secondary containment system that prompts implementation of the Contingency Plan, Attachment GG, shall be entered into the operating record.
- c. Notation to the operating record required by permit condition III.E.2.b. shall include the following:
 - 1) Identification of the equipment that caused discharge or the location of the discharge,
 - 2) Description of materials spilled or leaked,
 - 3) Actions taken to correct the cause of the spill or leak, and
 - 4) Date and time of the occurrence and of action taken to correct cause of the spill or leak.

II.F. TRAINING PLAN

- II.F.1. The Permittee must maintain a written training plan as required by WAC 173-303-330 (2) and must conduct personnel training according to the plan, to WAC 173-303-330, and to Attachment HH of this permit.
- II.F.2. The Permittee must maintain training documents and records as required by WAC 173-303-330 (3).

II.G. ORGANIC AIR EMISSION STANDARDS FOR PROCESS VENTS

- II.G.1. The Permittee must comply with all requirements of the air emissions inspections in Attachment FF, the operating procedures in Attachment JJ, all applicable requirements in WAC 173-303-690, and all applicable requirements in 40 CFR Part 264 Subpart AA, as incorporated by reference under WAC 173-303-690, for process vents on equipment which manages dangerous wastes with organic concentrations, as defined in 40 CFR Part 264 Subpart AA, as incorporated by reference under Chapter 173-303-690, of at least 10 ppm (by weight).

The Permittee must keep on file up-to-date information and data used to determine whether or not a process vent is subject to the requirements of 40 CFR § 264.1032, as incorporated by reference under Chapter 173-303-690, including supporting documentation as required by 40 CFR § 264.1034 (d) (2), as incorporated by reference under Chapter 173-303-690, when using knowledge of the nature of the hazardous waste stream or the process by which it was produced for this determination.

- II.G.2. Before constructing any new equipment with process vents subject to the requirements of WAC 173-303-690 and 40 CFR Part 264 Subpart AA, as incorporated by reference into WAC 173-303-690, and before taking any action that would result in an increase in total organic emissions from affected process vents (for example, managing different wastes or increasing operating hours above the maximum used for emissions calculations), the Permittee must re-evaluate air emissions against the standards in 40 CFR § 264.1032, as incorporated by reference under Chapter 173-303-690. If the changes to the facility operations result in emissions that are under the emissions thresholds in 40 CFR § 264.1032(a)(1), then the Permittee must place the evaluation in the operating record. If the air emissions are greater than the thresholds in 40 CFR § 264.1032(a)(1), then the Permittee must request a permit modification according to procedures in WAC 173-303-830 and submit the specific Part B information required pursuant to WAC 173-303-806(4)(j), as applicable.

II.H. ORGANIC AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

- II.H.1. The Permittee's recycling operations must comply with the requirements of the air emissions inspections in Attachment FF and all applicable requirements in WAC 173-303-691 and 40 CFR Part 264 Subpart BB, which is incorporated by reference under Chapter 173-303-691, for all valves, pumps, compressors, pressure relief devices, sampling connection systems, other connectors, open-ended lines, valves, flanges, and organic air emission control devices and systems which contain or contact dangerous wastes with organic concentrations of ten (10)

percent (by weight) as defined in 40 CFR Part 264 Subpart BB, as incorporated by reference under Chapter 173-303-691.

- II.H.2. The Permittee must record identification, either by waste or location (area or group), of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year as required under WAC 173-303-691(1)(f) and, as incorporated by reference in WAC 173-303-691, 40 CFR 264 Subpart BB.
- II.H.3. The Permittee's operational logs for equipment subject to the Subpart BB standards must contain at a minimum the information listed in the example logs in Attachment D-5 of Permit Attachment DD. The logs may contain additional information at Permittee's discretion.
- II.H.4. If the Permittee's twice yearly review shows that a piece of equipment subject to the WAC 173-303-691 standards will be operated for 300 hours or more during the year, then the Permittee must submit a request for a permit modification along with the applicable portions of the Part B permit application as required under WAC 173-303-830(4) and -806(4)(k).

II.I. ORGANIC AIR EMISSION STANDARDS FOR CONTAINERS

- II.I.1. For all container storage areas specified in Part III.A.1 of this permit, the Permittee must comply with:
 - a. All requirements of WAC 173-303-692 and the procedures of 40 CFR Part 264 Subpart CC, as incorporated by reference in WAC 173-303-692, in Attachments FF and JJ; and
 - b. All applicable requirements in 40 CFR Part 264 Subpart CC, which is incorporated by reference under WAC 173-303-692.
- II.I.2. When containers are received from off-site, the Permittee must inspect containers to ensure compliance with standards in 40 CFR Part 264 Subpart CC, which is incorporated by reference under WAC 173-303-692.
- II.I.3. In accordance with Permit Attachment FF, Permittee must monitor use of the filter control device on the aerosol can puncturing equipment to ensure that the filter is replaced according to manufacturer's specifications; that is, when the maximum number of cans, as detailed in the manufacturer's specifications, has been punctured or the expiration date on the canister has passed, whichever is soonest.
- II.I.4. Manufacturer's information on the filter control device required by Permit Condition II.I.3 must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service.

PART III - PART III - CONTAINER STORAGE**III.A. CONTAINER MANAGEMENT AREAS AND CAPACITY LIMITS**

- III.A.1. Subject to conditions in Attachment DD and permit conditions III.A.3 through III.F, the Permittee may store containers of dangerous waste only in the areas listed below as they are identified in Figure D-11 of Attachment DD of the permit.

Container Storage Areas	Maximum Capacity With or Without Free Liquid	
	No. of 55-gallon containers ¹	Gallons ²
Room 100 ignitable/flammable	280	15,400
Room 102a corrosive, acid	24	1,320
Room 102b corrosive, bases/ caustic	32	1,760
Room 102c pending analysis	32	1,760
Room 102d state-only and TC	200	11,000
Total container storage	568	31,240

1) Permittee is not limited to storing 55-gallon containers. Other sizes of containers may be stored. These figures were used to determine the maximum capacity in gallons.

2) This is the maximum volume of dangerous waste that can be stored regardless of the volume of storage containers.

- III.A.2. Subject to conditions in Attachment DD and permit conditions III.A.3 through III.F, the Permittee may place containers of dangerous waste in the individual areas listed below as they are identified in Figure D-11 of Attachment DD of the permit for up to 24 hours after initial placement there; except that wastes generated on-site may be kept in these areas for over twenty-four (24) hours if they are being accumulated under WAC 173-303-200 and Permittee complies with the standards in WAC 173-303-200(1).

Container Loading/Unloading And Receiving Areas	Maximum capacity	
	No. and size of containers	Gallons
Load/unload area	60 85-gallon containers OR 80 55-gallon containers	5,100
Room 103, shipping and receiving	32 55-gallon containers	1,760
Room 104, consolidation area	8 55-gallon containers	440

- III.A.3. In addition to other requirements for container management specified in Attachment DD, the Permittee must comply with the following container management conditions:
- The Permittee must place or store only dangerous wastes generated by BPA; and
 - The Permittee must place or store containerized dangerous waste generated off-site, and shipped to and accepted at the dangerous waste management unit under the incoming wastes procedures in Attachment CC of this permit, only in container load/unload, receiving, bulking, and storage areas identified in permit conditions III.A.1 and III.A.2.
- III.A.4. The Permittee must limit the number of 55-gallon containers and total gallons of wastes and other materials to maximum capacities specified for the individual container load/unload and receiving areas and container storage areas listed in permit conditions III.A.1 and III.A.2.
- III.A.5. All containers, including those that do not contain dangerous waste (e.g., exempt wastes, hazardous materials, etc.), in any container areas listed in permit conditions III.A.1 and III.A.2 must be counted toward the container and gallons capacity limits established by permit conditions III.A.1 and III.A.2. For the purpose of determining compliance with capacity limits, every container shall be considered to be full.

III.B. CONTAINER MANAGEMENT PRACTICES

- III.B.1. Containers must be placed or stored in rows no more than two (2) containers wide. A minimum of thirty-inch aisle space between rows shall be maintained for container load/unload and receiving areas and container storage areas. At a

minimum, the Permittee shall maintain aisle space requirements and set back distances described and illustrated in Attachment DD of the permit.

- III.B.2. Containers must be placed and stored in accordance with National Fire Protection Association (NFPA) restrictions on height. In addition, at no time shall any container be placed on top of a stack that is two (2) 55 gallon containers high.
- III.B.3. Container load/unload, receiving, and storage areas must be operated to protect containers from contact with accumulated liquids resulting from leaks, spills, or precipitation.
- III.B.4. The Permittee must place and store ignitable and reactive dangerous wastes, and must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, in accordance with Attachments DD and EE. In addition, the Permittee must place and store these wastes in compliance with relevant requirements of the NFPA unless the Permittee receives written authorization for different management procedures from the City of Vancouver Fire Department.
- III.B.5. The Permittee must keep all dangerous waste containers securely closed except when actively adding, removing, inspecting or sampling waste.
- III.B.6. The Permittee must maintain the containment system in accordance with the attached plans and specifications in Attachments DD and FF of this permit.
- III.B.7. The Permittee must inspect the container areas in accordance with the schedules and procedures in Attachment FF of this permit.
- III.B.8. Until closure is completed, the Permittee must maintain records showing the locations of problems in the containment systems for the load/unload, receiving, bulking, and storage areas that could result in release of dangerous waste or dangerous constituents to the soil. The Permittee must record the locations of cracks, gaps and loss of integrity, and the deterioration of containment pads, joints in containment pads, trenches, sumps, and coatings on maps.
- III.B.9. The Permittee must select and maintain all dedicated and non-dedicated equipment used to transfer dangerous waste to or from containers (pumps, hoses, hose couplings, piping, valves, etc.) to ensure the following:
 - a. The equipment is compatible with the wastes it will contact, and is decontaminated before it is used for the transfer of incompatible wastes as defined in WAC 173-303-395(1)(b).
 - b. The equipment is in good condition and its use will not result in leaks or spills of dangerous waste either inside or outside of secondary containment systems. If equipment develops a leak, it must be repaired or replaced immediately.
- III.B.10. Loading and unloading of containerized dangerous waste destined for the storage unit shall occur only in the concrete area labeled "load/unload area" in Attachment DD, Figure D-11. Containers from loading/unloading operations must immediately be placed directly into the receiving area and then, within 24 hours, into the storage areas identified in permit condition III.A.1.

III.B.11. Any materials held in the storage unit while BPA explores options for reuse must be identified as such by container labels or other methods of identification, such as signage by the pallets. In addition, BPA must maintain records showing when the containers were received at the storage unit and must manage the materials as dangerous waste within 24 hours of deciding the waste cannot be reused. Finally, storage of these materials must meet the time limits in WAC 173-303-016(5)(d)(ii) to avoid speculative accumulation.

III.C. CONDITION OF CONTAINERS

- III.C.1. If a container holding dangerous waste is not in good condition (e.g., exhibits excessive rusting, structural defects, or any other condition that could lead to container rupture or leakage), the Permittee must transfer the dangerous waste from that container. Permittee must transfer this waste to a compatible container which is in good condition or to an overpack container within twenty-four (24) hours of discovery. The damaged container must be managed as a dangerous waste unless it is empty pursuant to WAC 173-303-160(2).
- III.C.2. The contents of any leaking container must be transferred immediately to a compatible container which is in good condition or to an overpack container. The damaged container must be managed as a dangerous waste unless it is empty pursuant to WAC 173-303-160(2).
- III.C.3. Dangerous waste must be managed in US Department of Transportation-approved containers that are compatible with the waste.

III.D. IDENTIFICATION OF CONTAINERS

- III.D.1. The Permittee shall ensure that each container of dangerous waste is labeled in a manner that complies with Attachment DD of the permit; except that labels on containers holding dangerous waste that is not also hazardous waste must not say: "not hazardous waste" or "not RCRA waste". The labels for dangerous waste that is not also hazardous waste must indicate that the waste must be managed under the Dangerous Waste Rules. In addition, the Permittee must ensure that all dangerous waste containers are marked and labeled in accordance with the requirements specified in U.S. Department of Transportation regulations 49 CFR Part 172.
- III.D.2. For all dangerous waste containers, the Permittee must ensure that:
- All labels placed by the Permittee are printed with indelible (waterproof) ink;
 - All labels placed by the Permittee are placed on the upper portion of the container's side as close to the top as the container design allows;
 - Labels are not obscured or otherwise unreadable; and
 - Dangerous waste containers are oriented to allow inspection of the labels identified in permit condition III.D.1 and the container tracking number.

- III.D.3. The Permittee must destroy or otherwise remove dangerous waste labels immediately from containers rendered empty, as defined by WAC 173-303-160(2).

III.E. COMPATIBILITY

- III.E.1. The Permittee must ensure that all containers used for dangerous waste management are made of or lined with materials that will not react with and are otherwise compatible with the dangerous waste to be stored.
- III.E.2. Except for lab packs assembled in compliance with Department of Transportation compatibility requirements, the Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same container. The Permittee shall not place dangerous waste in an unwashed container that previously held an incompatible waste or material.
- III.E.3. Containerized wastes and other materials that are incompatible must be separated as follows (incompatible materials are as defined for incompatible wastes in WAC 173-303-040); the rooms assigned for storage of the various kinds of incompatible wastes are described in Section F-5 in Attachment FF of the permit):
- a. Incompatible materials must not be stored within the same secondary containment area. Spill pans as described in Attachment DD of the permit may be used to separate incompatible wastes and materials kept in the same storage room;
 - b. Incompatible materials in staging areas shall be segregated according to compatibility groups specified in Tables C-3 and C-4 in Permit Attachment CC [OR in compliance with Department of Transportation compatibility requirements; and
 - c. Incompatible materials in lab packs must be assembled in compliance with Department of Transportation compatibility requirements.

III.F. APPROVED WASTES

The Permittee may store in containers all dangerous wastes listed in the Part A Dangerous Waste permit forms (Permit Attachment BB) subject to limitations and requirements in this permit. The Permittee must not accept or manage dangerous wastes not listed in the Part A Dangerous Waste permit forms at or in the dangerous waste management unit.

PART IV - RECYCLING

- IV.A. For the purpose of this section, "Recycling Units" include: RU-PA-1 in the Ross paint shop, RU-CL-1 in the Ross PCB annex, and RU-CL-2 in the Ross PCB annex, as described in Table D-4 in Attachment DD of the permit. This section also applies to any future "Recycling Units" that may be installed at the facility.
- IV.B. In addition to other requirements in this permit and Chapter 173-303 WAC, for "Recycling Units" the Permittee must:
- IV.B.1. Describe the operating limits for on-site distillation units, including but not limited to flow rate, operating temperature, and maximum hours of operation, and keep this information in the operating record as required under 40 CFR § 264.1035(b)(2) as incorporated by reference under Chapter 173-303-690;
 - IV.B.2. Notify the Director before initiating operating or design changes to "Recycling Units" if those changes would or could increase air emissions from the units; and
 - IV.B.3. Comply with Conditions II.G, ORGANIC AIR EMISSION STANDARDS FOR PROCESS VENTS, and II.H, ORGANIC AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS, of this permit.

PART V - FACILITY COMPLIANCE REQUIREMENTS

V.A. Emergency procedures for noncompliance with permit

- V.A.1. In addition to the events or circumstances described in Section G-3 of Attachment GG of this permit that prompt implementation of the Contingency Plan, the Permittee must implement emergency procedures specified in Attachment GG in the event of an incidence of noncompliance with this permit that could threaten human health or the environment.
- V.A.2. The Permittee must immediately notify by telephone the Director and other appropriate authorities of any circumstances under permit condition V.A.1. This notification must meet the requirements in WAC 173-303-360(2)(d) and WAC 173-303-810(14)(f).
- V.A.3. For the purpose of permit condition V.A.2, the designated representative of the Director is the lead inspector for the facility in the Hazardous Waste and Toxics Reduction Program at the Department's Southwest Regional Office.

V.B. Notification procedures for spills/releases of dangerous waste or hazardous substances, emergency events, or noncompliance with permit

- V.B.1. In the event any of the following spills and/or releases of a hazardous substance, the Permittee must immediately notify the Director by telephone:
 - a. Any spill and/or release that causes the Permittee to implement the Contingency Plan as specified in Attachment GG; or
 - b. Any spill and/or release from the dangerous waste management unit that enters the environment (soil, air, surface water, ground water) either within or outside the facility; or
 - c. Any spill or nonpermitted discharge from the dangerous waste management unit that requires notification pursuant to WAC 173-303-145(2)(a) or (b).
- V.B.2. For the purpose of permit condition V.B.1., the designated representative of the Director is the lead inspector for the facility in the Hazardous Waste and Toxics Reduction Program at the Department's Southwest Regional Office.
- V.B.3. For events that require implementation of the Contingency Plan because of a spill and/or release to the environment, the Permittee must telephone the Department's Spill Response number at Southwest Regional Office (360-407-6300) initially, followed by notification of the lead inspector for the facility in the Hazardous Waste and Toxics Reduction Program at the Southwest Regional Office. This telephone number may change; such a change is not a permit modification under Chapter 173-303 WAC.
- V.B.4. The Permittee must note in the facility operating record the time, date, and details of any incident that requires implementation of the Contingency Plan. Within 15 days after the incident, the Permittee must submit a written report on the incident

to the Director. Such a report must at a minimum include all items specified in WAC 173-303-360(2)(k), and if applicable, WAC 173-303-810(14)(f).

V.B.5. The Director may require written submission of a report pursuant to requirements of WAC 173-303-810(14)(f) within five (5) days of any incident that requires implementing the Contingency Plan. This requirement is in addition to the requirements to record in the operating record and submit a written report within 15-day under WAC 173-303-360(2)(k) and WAC 173-303-810(14)(f).

V.B.6. The Permittee must report to the Director all incidents of noncompliance with this permit within fifteen (15) days of such noncompliance. These reports must meet the requirements in WAC 173-303-810(14)(g).

V.C. PERFORMANCE STANDARDS

The Permittee must operate and maintain the permitted units in a manner to ensure the performance standards in WAC 173-303-283 are met.

V.D. SPECIAL REQUIREMENTS FOR SAMPLING AND ANALYSIS

The Permittee must allow independent sampling and sample splitting when requested by the Director. At the Permittee's request, the Director will inform the Permittee of all analyses to be performed on split samples

PART VI - CORRECTIVE ACTION

VI.A. DEFINITIONS

Unless otherwise specified, the definitions set forth in Chapter 70.105 RCW, Chapter 173-303 WAC, Chapter 70.105D RCW, and Chapter 173-340 WAC, undertaken in whole or in part to fulfill the requirements of WAC 173-303-646, shall control the meanings of the terms used in this section of the Permit. Additional or modified definitions are as follows:

- VI.A.1. Corrective Action means any activities including investigations, studies, characterizations, and corrective measures, including actions taken pursuant to Chapter 70.105D RCW and Chapter 173-340 WAC, undertaken in whole or in part to fulfill the requirements of WAC 173-303-646.
- VI.A.2. Explanation of Significant Differences means the document issued under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to ensure the effective long-term implementation, maintenance, and monitoring of institutional control requirements promulgated in the CERCLA Records of Decision for the BPA Ross facility.
- VI.A.3. Institutional Controls means measures taken to limit or prohibit activities that may interfere with the integrity of past cleanup actions implemented under the CERCLA program or that may result in on-site or offsite exposure to hazardous substances resulting from past releases at the BPA facility.

VI.B. RELEASE NOTIFICATION

The Permittee shall continuously consider and evaluate information regarding releases, suspected releases, or potential releases of hazardous substances, including dangerous waste and dangerous constituents, at the facility.

The Permittee shall notify the Director, in writing, of any newly-identified solid waste management unit(s) (SWMU(s)), newly-discovered releases from previously identified or newly identified SWMU(s), and newly-discovered areas of concern (AOCs) at or from the facility, as specified in WAC 173-303-806(4)(a)(xxiv)(A), no later than fifteen (15) days after discovery.

VI.C. USE OF THE MODEL TOXICS CONTROL ACT TO COMPEL RCRA CORRECTIVE ACTION

After receiving notification of any newly discovered releases at the facility, the Director will determine whether the Permittee must fulfill corrective action responsibilities using an enforceable action issued pursuant to the Model Toxics Control Act (MTCA), as amended, (RCW 70.105D; Hazardous Waste Cleanup-Model Toxics Control Act) and its implementing regulations (WAC 173-340; The Model Toxics Control Act Cleanup Regulation).

Corrective action requirements imposed by the Director in an action issued pursuant to the Model Toxics Control Act will be undertaken in whole or in part to fulfill the requirements of WAC 173-303-646 (2), Corrective Action, and the requirements of chapter 173-303 WAC, Dangerous Waste

Regulations, to the extent required by RCW 70.105D.030, Department's Powers and Duties, and WAC 173-340-710, Applicable State and Federal Laws.

VI.D. TRANSFERENCE OF PROPERTY

Prior to any voluntary or involuntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the facility, the Permittee shall provide for continued implementation of all corrective action requirements of this section of the Permit and implementation of any corrective action found to be necessary as a result of this section of the Permit.

Prior to transfer of any legal or equitable interest the Permittee may have in the facility or any portions thereof, the Permittee shall serve a copy of this section of the Permit upon any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least thirty (30) days prior to the finalization of any transfer, the Permittee shall notify the Director of the contemplated transfer and provide the Director with a plan for continued implementation of this section of the Permit. The Permittee shall also submit a request for modification of the permit per WAC 173-303-830(3) and (4).

VI.E. INCORPORATION OF EXPLANATION OF SIGNIFICANT DIFFERENCES

The Explanation of Significant Differences (ESD) issued under the federal CERCLA program (Attachment LL) is incorporated as a permit condition. Prior to terminating or revising any requirement or condition specified in the ESD, the Permittee shall notify the Director and request a corresponding modification of the permit under the permit modification system in WAC 173-303-830(4).

The Institutional Control Monitoring Report and all other notifications and reports required in the ESD shall be provided to the Director at the time these notifications and/or reports are provided to the Agency. After reviewing the information obtained from these notifications and/or reports, the Department will determine if a permit modification is necessary based on the information and/or recommended actions provided in these notifications and/or reports.

VI.F. CERCLA FIVE-YEAR REVIEW

After reviewing information obtained from the next planned 5-year CERCLA program review, scheduled to occur by September 2004, the Director will determine at that time if a permit modification will be required to incorporate, if necessary, revisions to PART VI of the permit as a result of information obtained from the five-year review.